



Lamoine Board of Selectmen

Minutes of October 25, 2007

Chair Jo Cooper called the meeting to order at 7:00 PM

Present were: Selectmen Brett Jones, Richard Fennelly Jr., S. Josephine Cooper, Cynthia Donaldson, Chris Tadema-Wielandt (arrived after start); Administrative Assistant Stu Marckoon, Veterans Memorial Committee member Reginald McDevitt, Planning Board Secretary Michael Garrett. Arriving after the start of the meeting were Cliff Burton (Pro-Auto), Tyra Hanson (Frenchman's Bay Planning & Design) and Richard J. King.

Agenda Review – Stu reported there were two issues for the addendum. Richard said he had some other business for the end of the meeting. Stu reported Clifton Bradford was unable to attend this meeting but could be present at the next meeting.

Minutes – October 11, 2007 – Richard offered a pair of additions to the draft minutes in reference to the cell phone tower lease and Bradford discussions. He moved to approve the minutes with the noted changes. Jo 2nd. **Vote in favor 4-0 (Selectman Tadema-Wielandt abstained)**

Junkyard Renewals – Jo opened the public hearing at 7:02 PM. Stu said he had not heard if CEO Dennis Ford has inspected the two junkyards owned by Pro-Auto yet. Chris said the renewals should be tabled until someone from Pro Auto is present. A short discussion followed whether delaying renewal would crimp the business. The public hearing closed at 7:05 PM.

Jo moved to table the renewals. Chris 2nd. **Vote in favor was 5-0**

Cell Tower Lease – Stu reported that he communicated to Verizon Wireless that the reciprocity issued previously suggested by the Selectmen in terms of lease termination would be dropped. He said he had e-mailed that issue and received consensus from the Selectmen prior to the meeting. He said that is the only issue Verizon has brought up so far with the suggested changes.

Resignation from Parks Commission – Jo moved to accept, with regret, the resignation of Mary Henry from the Parks Commission. Richard 2nd. **Vote in favor was 5-0.**

Appointments – Stu reported that Parks Commission chair Kerry Galeaz had requested that appointments be delayed until next meeting. Selectmen had no objection.

Junkyards – Reopened – Cliff Burton of Pro Auto arrived and offered to answer any questions about the junkyards. Chris asked if Pro Auto had proof of mailing of the public hearing notice to abutting landowners. Stu said he was not aware the statutes required notice on a renewal hearing. Jo asked how many vehicles are stored in the junkyard in North Lamoine. Mr. Burton answered about 50. Jo asked about the number in Marlboro. Mr. Burton said about 150. He said they were getting ready to crush those cars, and they do that about twice a year. He explained the crushing process and draining the cars of fluids prior to storage.

Chris asked about the procedure when the cars come in. Mr. Burton said they drain the fluids and explained the process they used. Chris asked if a log is kept. Mr. Burton said he assumed the owner, Barry Norris, does that. Chris asked if that is reported to the state. Mr. Burton said he assumed Mr. Norris does that. Brett said he thought one could not keep a vehicle in a junkyard indefinitely. Mr. Burton said he was not positive about that. He noted they did set antique cars aside.

Jo said the board had opted to put renewal on hold, and that the Code Enforcement Officer's report should be complete next meeting.

Conservation Commission – Stu noted that Bob Pulver had offered to serve as a full Conservation Commission member. Jo asked that the appointments for Conservation Commission be held until next meeting.

Dangerous Building – Stu said CEO Ford and he had looked at the building on Berry Cove Road for which a complaint was received and prepared a written report. He recommended that notice be sent to the building owner for a hearing scheduled for November 29th. Jo moved to set a hearing on the dangerous building for November 29th. Chris 2nd. **Vote in favor was 5-0.** Selectmen signed the order for the hearing. A short discussion followed on derelict buildings.

Roads – Stu reported work was progressing. Dick noted there was a lot of residual gravel on Buttermilk Road following the shoulder scraping, and he thought it might be a public safety issue. It was suggested that future contracts be specific that sweeping was to be included. A short discussion followed.

Salt/Sand Shed – Stu reported that the carpenters have made remarkable progress and it should be done next week.

Bloomfield Park Right-of-Way – Stu said there was not much new to report on that. He said Mr. Branch suggested two rights of way are needed to create the entrance road.

Gott Right-of-Way – Stu said he put a message from Steve Salsbury with the Selectmen's materials laid out tonight indicating the matter has not been forgotten.

Pandemic Flu – Stu reported Healthy Acadia has prepared home emergency kits for distribution through the MDI League of Towns members. He showed off

the kit. Selectmen had no objection to offering them at the town office in small quantities.

School Consolidation – Brett said a memo from Maine Municipal Association seems to be contradictory. He said the letter in one part indicates preservation of town resources on potential school grounds needs to be done at the RSU level, and then went on to recommend a specific division be filed at the Registry of Deeds.

Richard asked if there was any legal reason not to do a formal split. Brett said the town could end up stuck with that which the state says is necessary for school purposes. He said he would like to formally divide the property and file that division at the Registry of Deeds. He said then there would be an agreement on what could be used for specific purposes. Richard said it's all shown as one property presently. He asked why the town would not formally divide the properties anyway. He said if the division were done before the whole issue is taken up by the RSU, then the RSU could only talk about what's identified as school property. Chris said doing that in anticipation of something could be problematic. Brett said control seems to be the issue. Stu said the school lot is at least 3-pieces of land, two which the town has purchased in the past 15-years. Cynthia said she's not heard talk about schools using land, just buildings.

Chris said he thinks the fear is the RSU will say what the use for the land will be. Brett said agreements would be better prior to the completion of the consolidation process. He said it would be hard to say no after the fact. A short discussion followed.

Chris said the town should hire a surveyor to determine the courses and distances and to prepare a description. A short discussion followed. Richard said he was not sure why the town would have to hire a surveyor. A short discussion followed. Chris said he would like to look at the source deeds and see if there is already a decent description. Stu said he would copy the deeds for the next meeting.

Cynthia asked about the status of the Jina's Gym fund and whether a separate board is being set up. Jo said that is being worked on.

Cynthia said she has been involved at two meetings; one involving special education and one involving curriculum coordinators. She said the next meeting on Monday, October 29th, is when committee reports will be presented. She said the committee structure is frustrating. She said the awareness among the committees is pretty narrow. She said Bob Pulver is serving on the finance committee and she thinks Kathleen Rybarz is working on the MDI group. She said people are spread thin and there are a lot of meetings.

Cynthia said the newsletter from the Bucksport group is well done. She said that RPC has only 9-people, the one Lamoine is working with has 48. She said she

thinks people are going to start saying that this is too big, and the organization is not doing right by the kids. She said it's become a business model. She said it would be difficult to run a system that big and maintain the integrity of local schools with a cumbersome system that is very narrow at the top.

Richard said it appears to be all about shifting costs to the towns so the state can duck its' 55% commitment. Jo asked about what is coming before the Legislature. Cynthia said Representative Rob Eaton is circulating petitions that call for repeal of the consolidation law. A short discussion followed about the petition effort.

Chris asked where the RPC group is in terms of the decision making process. Cynthia said the first deadline is December 1st. She said the state realizes now that is unrealistic, and the group Lamoine is involved with will report that they are nowhere near a decision. Chris asked if the process will be dragged out. Cynthia said yes, and both the Ellsworth and MDI possibilities are still in the mix. Richard asked if a comparative cost analysis is any closer. Cynthia said it was not. Brett said that number appears to be a moving target. Richard said he believed salaries will adjust to the highest paid teacher's contract. Cynthia said the templates do not include salaries. A short discussion followed.

Stu reported on a meeting he attended at the Superintendent's Office and outlined the new, state mandated, budget approval process which requires a referendum ratification vote.

Veterans' Memorial Committee – Jo reported that at the committee's meeting last night a fund raiser selling bricks was discussed. She said they have generated a form and would like to make sure it's OK with the Board, as well as getting approval to order the monument. She said there is enough money approved by the town to pay for 1/3 of the monument. Brett asked when the next payment would be due. Jo said the project requires 1/3 to make the stone, 1/3 when it's installed, and 1/3 at the finish. She said the committee is concerned about what would happen if enough funds are not raised.

Chris asked about the bricks and if they will contain the name of a Veteran. Jo said the wording on the brick could say who it was donated by, and the form could have a box to check to indicate it's in memory of a Lamoine Veteran. She said the effort is not trying to list everyone's name.

Brett asked how this would be set up. Jo showed a diagram. Richard asked if the number of bricks has been calculated. Jo said she thinks the committee could sell 500 bricks. A short discussion followed on how the bricks would be placed and the possible wordings on bricks.

Jo said she wanted to be sure the board was OK with the program. Richard said it gives the opportunity for flexibility. Brett asked what would happen if there is a flood of Lamoine Veterans, and whether they would have precedence. Jo said the committee would have to make a decision, and she was not in a position to

speak for the committee. Board members had no opposition to the brick program.

Jo asked if it was OK to order the monument. Brett said there is always the possibility that not enough funds could be raised. Jo said the hope is to have the memorial done by Memorial Day. Richard asked about the balance of donations to the funds. Stu said there has been interest, and a couple of sizable donations. There was no objection to ordering the monument.

Request to use town gravel for school playground – Brett said Richard King is helping with the playground and asked whether he could have access to town gravel. Jo asked whether the Board could say go ahead and do it. Richard asked whether town meeting approval is needed. Jo said there is a time element. She suggested asking another contractor to donate some gravel. Mr. King said it's not very much gravel that is needed. He said Selectmen had previously refused to release town gravel because a license is needed. A discussion followed on whether town meeting approval is needed. Brett said town meeting approval seems silly. Jo said she was willing to ask others. She asked Mr. King how much gravel he thinks is needed. Mr. King said about 10 truckloads. A short discussion followed. Brett said the level of minutiae requiring town meeting approval is insanity. Mr. King said it isn't worth the hassle. Richard and Jo agreed to contact other contractors to ask for donated gravel.

Town Hall Reconfiguration – Stu reported Tyra Hanson had changed the proposed contract to read 30-days from bill submission instead of 15-days. Selectmen reviewed the proposed contract. Cynthia asked if the contract was clear that the maximum was to be \$2,000. Ms. Hanson said she would revise that. Jo moved to sign the amended contract. Chris 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 9 – Stu noted there was a tax abatement added to the warrant for \$16.84 in addition to what was copied earlier in the day. Selectmen signed warrant 9 for \$316,820.15. Stu reported the warrant included a sizeable transfer to investment management, payment for road work to Jay Fowler, payment for paving at the salt/sand shed, the first snowplowing installment, and school payroll.

Cash & Budget Report – There were no questions in regard to the written cash & budget report.

Get Well Card – Selectmen signed a card for ACO Harry Louder who is recovering from surgery. Jo related a story about being chased by a skunk the prior weekend.

Freedom of Access request – Stu reported that a letter was received from Robert Sharkey after the last meeting requesting several items. He said he drafted and Jo sent a letter asking for clarification. Jo said Mr. Sharkey had responded earlier in the day with a clarification. Jo said she felt it would be OK to provide Mr. Sharkey with the copies provided he pays for them. Brett asked if

some of this information has already been made available. Stu said Mr. Sharkey can request the information as often as he wants as they are public documents.

Chris asked if there was any clarification on the e-mail address request. Stu said town attorney Tony Beardsley advised that addresses stored on the town office computer are public information with the exception of non-elected government employees, who are shielded by a recent change to state statute. A discussion followed in regard to which e-mail addresses are shielded by law.

Jo said the town is not trying to hide anything, but there is a privacy issue. Stu said the request was for e-mail addresses. He said the computer has the capability to generate only the addresses, and exclude the names associated with them. Brett said he doesn't like that this is happening, and suggested that Mr. Sharkey's request be followed to the "T". Stu asked what the appropriate charge would be for staff time for making copies and preparing the information Mr. Sharkey requested. Selectmen instructed him to use \$20/hour. Stu said he would draft up a letter for Jo to send estimating the cost to Mr. Sharkey and identifying when, after payment is received, the copies will be available.

Brett asked if anyone has asked why Mr. Sharkey is seeking the information. Stu said it is not the place for town officials to do that.

Filing by Neil Salisbury – Stu reported that the town office had received a document from Neil Salisbury that was filed at the Registry of Deeds. A short discussion followed on the purpose of the document, and none of the Selectmen knew what the purpose was. Stu reported that Mr. Salisbury was to be arraigned on the trespass charge on November 6th. He said he spoke with the District Attorney's office who advised that the case is complicated by Mr. Salisbury's claim to be a sovereign citizen.

Budget Committee – Cynthia asked why the Budget Committee has by-laws. Jo said when the committee was formed they thought it was a good idea. There was a discussion over who would approve the by-laws and changes. Jo further explained the history of how the by-laws were developed. She said she agreed it was up to the budget committee to set its procedure. Brett said there should be continuity from year to year. Chris said the committee is appointed at the pleasure of the Selectmen. He suggested the Selectmen should leave the committee alone and let them do their thing. Richard said the committee is doing a good job. Chris said the Selectmen's names should not be on the by-laws. Brett said it's good to have an agreement on what the job is. He said he's concerned that the responsibility of the committee be clearly spelled out. He said if the Selectmen's expectations meet the committee's, then it is OK. A short discussion followed on job responsibilities. He suggested that the Board communicate with the Budget Committee that they can change the by-laws if they wish. Mr. McDevitt said the Budget Committee makes recommendations which appear in the town warrant.

Budget Workshop – Selectmen held a lengthy workshop on the budget, reviewing proposed budgets for Administration, Solid Waste, Code Enforcement and Planning.

Next Meeting – The next meeting will be held November 8, 2007 at the Town Hall. Jo noted the Get Wet presentation has been postponed.

Rabies – Stu reported two confirmed cases of rabies surfaced in the past week. He said he prepared a web page, sent flyers to the school which were sent home with students, and contacted the Health Officer and Animal Control Officer in response.

Stu reported the ACO would like to receive the series of pre-exposure rabies shots. He said they cost \$630. Jo moved to approve the expense. Richard 2nd. **Vote in favor was 5-0.**

Other – Richard asked about the status of a pair of tree growth applications before the Board of Assessors. Stu reported they are studying the applications and would be returning the management plans once they are able to contact the forestry department.

Richard said he would like to store the flagpoles in the Anderson Garage, but was concerned about security. A short discussion followed.

Executive Session – Richard moved to enter executive session pursuant to 1MRSA §405(6)(a) for a personnel matter. Jo 2nd. **Vote in favor was 5-0 at 10:30 PM. Out at 10:40 PM**

There being no further business, the meeting adjourned at 10:41 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.